

1 STATE OF GEORGIA  
2 COUNTY OF FULTON  
3 CITY OF SOUTH FULTON  
4

5 RESOLUTION NO. 2018-052  
6

7 A RESOLUTION TO CAUSE FOR A VOTER REFERENDUM ON THE  
8 AUTHORIZATION OF THE SALE OF ALCOHOLIC BEVERAGES FOR ON-  
9 PREMISES CONSUMPTION ON SUNDAYS FROM 11:00 A.M. UNTIL 12:30 P.M. AT  
10 CERTAIN LICENSED ESTABLISHMENTS; TO REGULATE AND PROVIDE FOR THE  
11 CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION  
12 THEREON; AND FOR OTHER PURPOSES.

13 (Sponsored by Councilmembers Rowell and Gumbs)

14 WHEREAS, the City of South Fulton ("City") is a municipal corporation duly  
15 organized and existing under the laws of the State of Georgia; and  
16

17 WHEREAS, the Mayor and Council ("City Council") is the governing authority of  
18 the City; and  
19

20 WHEREAS, the City of South Fulton has an interest in regulating, through the  
21 lawful exercise of its police powers, the sale of alcoholic beverages for the public health,  
22 safety and welfare; and  
23

24 WHEREAS, currently no alcohol sales for consumption on the premises may  
25 take place on Sunday prior to 12:30 p.m.; and  
26

27 WHEREAS, during its 2018 session, the Georgia General Assembly passed and  
28 the Governor subsequently approved Senate Bill (SB) 17 which relates to alcoholic  
29 beverages so as to provide that governing authorities of counties and municipalities  
30 may authorize sale of alcoholic beverages for consumption on the premises during  
31 certain times on Sundays subject to the passage of a referendum; and  
32

33 WHEREAS, specifically, SB 17 allows the City of South Fulton to authorize the  
34 sale of alcoholic beverages for consumption on the premises, including the sale of wine  
35 and/or malt beverages and the sale of distilled spirits, on Sundays between the hours of  
36 11:00 a.m. and 12:00 a.m. Midnight in any licensed establishment which derives at least  
37 50 percent of its total annual gross sales from the sale of prepared meals or food in all  
38 of the combined retail outlets of the individual establishment where food is served; and  
39 in any licensed establishment which derives at least 50 percent of its total annual gross  
40 income from the rental of rooms for overnight lodging; and  
41

42 WHEREAS, in accordance with state law, the City Council desires to cause for a  
43 special voter referendum to be held at the time of the next general election on the

question as to whether the above extension of alcohol service times on Sundays should be extended from 12:30 pm to 11:00 am start time; and

**WHEREAS**, this Resolution will benefit the health, safety and general welfare of the City, its citizens and general public.

**THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH FULTON** do hereby resolve as follows:

**Section 1:**

**A.** That there shall be called and there is hereby called a special election to be held in all precincts in the City, on the 6<sup>th</sup> of November, 2018, for submitting to the voters of the City of South Fulton the question of authorizing Sunday sales of alcoholic beverages for on-premises consumption in certain licensed establishments between the hours of 11:00 a.m. and 12:30 p.m.

**B.** That the Municipal Clerk/Election Superintendent, in conjunction with the Fulton County Elections Superintendent, shall "call" said Referendum by publishing notice of the referendum in a newspaper of appropriate general circulation no less than ten nor more than 60 days after the date of approval of this Resolution.

**C.** That the ballot submitting the question of Sunday Sales of alcoholic beverages for on-premises consumption between the hours of 11:00 a.m. and 12:30 p.m. shall have printed the word "YES" and the word "NO" in order that each voter may vote in either the affirmative or negative as to the question propounded, and shall have written or printed thereon the following:

( )	YES	Shall the governing authority of the City of
		South Fulton be authorized to permit and regulate
		Sunday sales of distilled spirits or alcoholic
( )	NO	beverages for beverage purposes by the drink from
		11:00 A.M. to 12:30 P.M.?"

**D.** The polls in each of the precincts holding this election shall be opened and closed at the same time as for the remained for the November 6, 2018 General Election, and the election shall be held at the regular and established places for holding elections in the City. The election shall be held in accordance and in conformity with the Constitution and laws of the United States and the State of Georgia.

**E. Additional Coordination.** The City Manager, with assistance by the City Attorney, is hereby directed to promptly provide Fulton County with a copy of this



Resolution, and to coordinate with Fulton County, as necessary, with the facilitation of the special voter referendum called for herein.

\*\*\*\*\*

**Section 2.** It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

**Section 3.** All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

**Section 4.** The effective date of this Resolution shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

107 The foregoing **RESOLUTION No. 2018-052**, was adopted on **August 28, 2018** was  
108 offered by Councilmember **Gumbs**, who moved its approval. The motion was seconded  
109 by **Mayor Pro Tem Baker**, and being put to a vote, the result was as follows:  
110  
111

	AYE	NAY
112		
113		
114		
115 William "Bill" Edwards, Mayor	<hr/>	<hr/>
116 Mark Baker, Mayor Pro Tem	<hr/>	<hr/>
117 Catherine Foster Rowell	<hr/>	<hr/>
118 Carmalitha Lizandra Gumbs	<hr/>	<hr/>
119 Helen Zenobia Willis	<hr/>	<hr/>
120 Gertrude Naeema Gilyard	<hr/>	<hr/>
121 Rosie Jackson	<hr/>	<hr/>
122 khalid kamau	<hr/>	<hr/>
123		
124		
125		
126		

THIS RESOLUTION adopted this **28th** day of **August 2018**. CITY OF SOUTH FULTON,  
GEORGIA.



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



MARK MASSEY, CITY CLERK



ITEM# Res 2018-052 DATE 8 / 28 / 2018

APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY